BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
PUBLIC SAFETY AND HOMELAND SECURITY BUREAU

In the Matter of	)	
	)	
Public Safety and Homeland Security Bureau	)	PS Docket No. 11-60
Seeks Comment on Improving Wireless Network	)	
Resiliency Through Encouraging Coordination	)	
With Power Companies	)	
	)	

INITIAL COMMENTS OF AMERICAN ELECTRIC POWER SERVICE CORPORATION AND SOUTHERN COMPANY SERVICES, INC. IN RESPONSE TO JANUARY 3, 2019 PUBLIC NOTICE

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EXECUTIVE SUMMARY

- AEP and Southern both rely on their own networks for purposes of internal communication during disaster recovery. Those networks utilize back-up power and redundant backhaul to avoid outages created by loss of commercial power and damaged fiber. Communications providers should consider implementing these same practices in order to improve resiliency of their networks.

- Communications providers need a bigger presence in the local emergency operations centers if they want to be "in the loop" with respect to disaster planning and response. Commercial communications providers are underutilizing this opportunity. Before new processes and mechanisms are created, communications providers should more fully engage in the existing processes and mechanisms.

- Disaster response is inherently local in nature. Different events and different locations will warrant different responses. Because of this, any disaster preparation and response coordination between communications providers and power companies should occur at the local level through the EOCs—not through federally mandated forums or processes.

- Communications providers in a particular location should coordinate among themselves and collectively designate a single point of contact for purposes of coordination with power companies on disaster preparation and response. The presence of numerous communications providers with different—and sometimes conflicting—objectives makes coordination for power companies more challenging during an already challenging time.

- Fiber cuts are an inevitable part of the initial road-clearing and debris removal activities in the immediate aftermath of a storm. Subsequent fiber cuts, which are rare, could be further minimized through the proper sequencing of restoration activities to avoid conflicted work.

- Disaster preparation and response coordination requires cooperation and partnership. The Commission's pole attachment policies are not promoting the type of cooperation and partnership necessary to achieve the level of coordination envisioned by the Public Notice. The Commission is actually pushing the sectors further apart through policies that interfere with electric distribution construction/maintenance practices and put constant downward pressure on cost recovery for shared infrastructure.

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American Electric Power Service Corporation and Southern Company Services, Inc. respectfully submit the following comments in response to the Commission's January 3, 2019 Public Notice in the above referenced docket.[1]

INTRODUCTION

American Electric Power Service Corporation ("AEP Service Corp.") is a wholly-owned subsidiary of American Electric Power Company, Inc. ("AEP"). AEP Service Corp. supplies administrative and technical support services to AEP and its subsidiaries. AEP, through its operating company subsidiaries, serves more than 5 million electric customers in eleven states across 197,500 square miles of service area in the Midwest and Southeast: Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. AEP's service area includes portions of the Texas Gulf Coast, as well as portions of the Midwest

[1] *Public Safety and Homeland Security Bureau Seeks Comment on Improving Wireless Network Resiliency Through Encouraging Coordination with Power Companies*, Public Notice, DA 19-13, PS Docket No. 11-60 (rel. Jan. 3, 2019) ("Public Notice").

hardest-hit by winter storms. As such, AEP is quite familiar with the infrastructure challenges presented by hurricanes, ice storms and other widespread natural disasters.

Southern Company Services, Inc. ("Southern") is a wholly-owned subsidiary service company of Southern Company, a holding company based in Atlanta, Georgia, which operates regulated electric and natural gas utilities serving 9 million customers in nine states. Southern Company owns three electric utility subsidiaries – Alabama Power Company, Georgia Power Company and Mississippi Power Company – which provide retail and wholesale electric service throughout a service area that comprises Georgia, the southern two-thirds of Alabama, and southeastern Mississippi.[2] Southern Company supplies wholesale electric power to municipalities, rural electric cooperatives, and other distribution providers through its Southern Power subsidiary, which operates natural gas, solar, wind, and biomass generating facilities in nine states. Southern Company Gas provides natural gas distribution and storage in nine states: Illinois, Georgia, Tennessee, Virginia, California, Texas, Louisiana, Alabama, and Florida. With a service area that encompasses a large swath of the hurricane-prone Southeastern United States, Southern has extensive experience with, and well-developed processes and procedures for, preparation, response, and restoration with respect to major storm events.

I. THREE KEYS TO WIRELESS RESILIENCY DURING AND AFTER A NATURAL DISASTER ARE NETWORK REDUNDANCY, BACK-UP POWER AND PARTICIPATION AT THE LOCAL EMERGENCY OPERATIONS CENTER.

A. Communication Providers Could Avoid Significant Network Outages Through Redundancy and Back-Up Power.

[2] As of January 1, 2019, Gulf Power Company was no longer owned by Southern Company. It is now owned by NextEra Energy, Inc.

The Public Notice asks whether "there are existing best practices on disaster coordination, preparation, and restoration between communications providers and power companies" and "if such best practices do not exist, why not and what are the consequences of the failure to have such best practices?"[3] This question presumes that "coordination, preparation, and restoration between communications providers and power companies"—or lack thereof—is a necessary component to improving wireless network resiliency. AEP and Southern respectfully disagree with this presumption.

AEP and Southern both maintain their own communication systems for purposes of internal communication, so they do not **have** to rely on commercial providers during and after natural disasters. The networks owned by AEP and Southern do not depend on a single transmission path for the operability of the entire network. Instead, the networks rely on redundant paths so that, for example, a single fiber cut cannot disable the entire network. These systems are also built with back-up generation at critical sites so that a power outage at a single site, or delayed restoration of electric service to that site, does not disrupt the operability of the network. The Public Notice asks: "In what ways could power companies and communications providers cooperate better before, during, and after a disaster to help improve the ability of communications services to sustain operations during a commercial power outage?"[4] Cooperation itself will not sustain communications services during a commercial power outage, but back-up power will. Communications providers should consider maintaining back-up power at critical sites, something they have resisted in the past.

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3 Public Notice, p. 2.

4 Public Notice, p. 2.

For example, in response to the Commission's back-up power requirements issued in *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119; WC Docket No. 06-63, Order (rel. June 8, 2007), CTIA argued, "many wireless providers already have implemented business continuity/disaster recovery plans to enhance network reliability and resiliency" and the back-up power rules "will not advance—and actually risk undermining—carriers' efforts to achieve these important business continuity/disaster recovery goals."[5] Sprint Nextel urged the Commission to rescind its "one-size-fits-all" decision.[6] T-Mobile argued that the Commission's back-up power rule "is not in the public interest" and "would unduly burden carriers without yielding a corresponding public benefit."[7] In 2011, CTIA again opposed back-up power requirements on grounds that "it is best for carriers to retain the flexibility to employ back-up power techniques best suited to their particular networks, rather than have to adhere to a regulatory mandate."[8]

The Public Notice asks: "What industry and interagency entities or processes exist to promote the availability of commercial or back-up power to communications network elements during disasters?"[9] Hurricanes and other storm events often cause widespread power outages.

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5 *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks,* EB Docket No. 06-119, WC Docket No. 06-63, CTIA's Petition for Reconsideration, at p. 1 (filed Aug. 10, 2007).

6 *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks,* EB Docket No. 06-119, WC Docket No. 06-63, Comments of Sprint Nextel, at p. 4 (filed Sept. 4, 2007).

7 *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks,* EB Docket No. 06-119, WC Docket No. 06-63, T-Mobile Comments in Support of Petitions for Reconsideration, at p. 4 (filed Sept. 4, 2007).

8 *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, *Effects on Broadband Communications Networks of Damage or Failure of Network Equipment or Severe Overload*, PS Docket No. 10-92, *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, Comments of CTIA, at p. 14 (filed July 7, 2011).

9 Public Notice, p. 5.

Although electric utility crews expend enormous effort to restore electric service everywhere as quickly as possible, wireless carriers should expect that a site located in a storm-damaged area could potentially be without commercial electric service for anywhere from 24 to 72 hours or even longer, which is well beyond the capacity of battery-based backup power solutions. While having an on-site generator at every site may not be economically or logistically feasible, **many wireless carriers do not have generators even at sites that the carrier itself has identified as critical to its network operations**. The importance of on-site generators for network resiliency was identified over a decade ago during the Commission's review of Hurricane Katrina, yet little progress industrywide has been made since that time.[10]

If there is an outage affecting a communications network element, commercial power is not an option, which is why back-up power is so important. There are companies, some of which are affiliates of electric utilities, that can install and maintain back-up generation. For example, PowerSecure, Inc., a subsidiary of Southern Company, provides innovative energy solutions—including back-up generation—for industrial, institutional and commercial customers. With respect to back-up generation, the Public Notice asks: "What best practices exist for fueling and maintaining back-up generators in disaster situations?"[11] The best practice, which is the practice relied upon by AEP and Southern with respect to their own back-up generation, is for fuel trucks to deliver fuel as needed until commercial power is restored.

The Public Notice further asks: "What best practices exist to promoting more resilient commercial power for critical communications sites (e.g., redundancy, underground utilities,

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[10] *See Public Safety and Homeland Security Bureau Request for Comment on Hurricane Michael Preparation and Response,* PS Docket No. 18-339, Comments of Southern Company Services, Inc., at p. 14 (filed December 17, 2018).

[11] Public Notice, p. 5.

etc.)?"[12] Redundancy in communications facilities is essential (particularly with respect to critical backhaul routes). During and immediately after a large-scale storm event or other disaster, damage to communications fiber, electric distribution lines, and other infrastructure is both inevitable and predictable, and thus should be planned for in advance. By designing and implementing redundancy and backup transport alternatives into their systems, particularly where the transport link has been identified as critical, carriers can significantly improve the resiliency of their wireless networks.[13] Insofar as the Public Notice seeks comment on redundant commercial power feeds, if a communications provider is willing to invest in constructing a back-up electric power feed, AEP and Southern are willing to build it on the same terms as they would for any other electric customer.

B. Communications Providers Should Maintain a Physical Presence at the Emergency Operations Center Before, During and After a Natural Disaster.

The Public Notice asks:

> What industry or intergovernmental forums, either formal or informal, exist to promote coordination and joint planning between communications providers and power companies? Have the power companies and communications providers leveraged these forums in the past and, if so, to what extent and to what effect?[14]

The best existing forums for purposes of disaster coordination and planning are the state and local emergency operations centers (EOCs). Based on the experience of AEP and Southern, commercial communications providers under-utilize these forums, if they are utilizing them at all. Before any new forums, processes or requirements are created, communications providers should be encouraged to participate fully at the EOC level. This participation must be constant and consistent

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12 Public Notice, p. 5.

13 *See Public Safety and Homeland Security Bureau Request for Comment on Hurricane Michael Preparation and Response,* PS Docket No. 18-339, Comments of Southern Company Services, Inc., at p. 14-16 (filed December 17, 2018).

14 Public Notice, p. 2.

to be effective. It cannot be accomplished remotely or by dialing-in to a regularly scheduled telephone conference.

The EOC mechanism is designed to provide government and public safety officials and providers of public services – including electric utilities and communications providers – with the information and coordination needed for recovery and restoration. At the EOC, a representative of a communications provider would be able to receive daily updates on the status and location of utility repair or reconstruction work, thus enabling the communications provider to perform its own repair and restoration work without conflict. In addition, a communications provider's representative at an EOC would be able to coordinate directly with government, public safety, and utility representatives regarding the need to elevate the priority for restoration of particular routes or facilities that may be critical to that communications provider.[15]

Communications providers need actual physical presence in the EOCs. They need boots on the ground at the epicenter of the disaster. This is where key decisions are made regarding restoration priorities and objectives; this is also where key information is shared regarding progress and problems. As mentioned above, participation at the local emergency operations center level would put commercial communications providers in contact with local, state and federal emergency management personnel, along with key utility (electric, gas and water) personnel. At a higher level, the Public Notice seems to ask what the Commission can do to promote coordination between power companies and communications providers with respect to disaster planning and response. AEP and Southern respectfully submit that this is an issue that should be handled at the EOC level—not through federal agency intervention. In short, there already exists a well-

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[15] *See Public Safety and Homeland Security Bureau Request for Comment on Hurricane Michael Preparation and Response,* PS Docket No. 18-339, Comments of Southern Company Services, Inc., at p. 7-8 (filed December 17, 2018).

developed, multiagency, multi-stakeholder process for coordination during emergency events, and communications providers have a responsibility to use this process to improve the resiliency of their wireless and other communications networks.[16] And, as set forth more fully in part IV.C. below, the Commission should consider policies that promote partnership between communications providers and power companies, rather than policies that push these sectors further apart.

II. THE MAIN PRACTICAL OBSTACLES TO COORDINATION BETWEEN POWER COMPANIES AND COMMUNCIATIONS PROVIDERS ARE THE NUMBER OF AFFECTED COMMUNICATIONS PROVIDERS AND THEIR APPARENT UNWILLINGNESS TO COOPERATE WITH EACH OTHER.

A. The Fact That There Are Usually Multiple Communications Providers in an Area Affected by A Disaster Complicates Coordination Efforts.

The Public Notice asks: "Do the sectors coordinate in the placement of assets prior to the arrival of a storm" and "[i]f the sectors do not coordinate in this regard, why not and what were the major consequences of not doing so?"[17] As an initial matter, the assets needed by an electric utility for storm restoration are different than the assets needed by a communications provider. Electric utilities, as an industry, engage in substantial coordination for pre-positioning of recovery assets through various mutual assistance organizations like the Southeastern Electric Exchange.[18] AEP and Southern are unaware of whether and to what extent commercial wireless communications providers and their various backhaul providers coordinate amongst themselves for the pre-positioning of recovery assets. The major wireless carriers, along with their trade organization, voluntarily committed "to the sharing of physical assets and necessary consultation

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16 *See Public Safety and Homeland Security Bureau Request for Comment on Hurricane Michael Preparation and Response,* PS Docket No. 18-339, Comments of Southern Company Services, Inc., at p. 8 (filed December 17, 2018).

17 Public Notice, p. 2.

18 www.theexchange.org

where feasible during and after disasters through establishing mutual aid arrangements with other wireless carriers" in the Wireless Resiliency Cooperative Framework.[19] The extent to which the major wireless carriers have observed this commitment—a commitment that AEP and Southern fully endorse and which has been the practice among electric utilities for many decades—is unknown to AEP and Southern.

The most beneficial coordination for the pre-positioning of recovery assets is coordination among the communications providers themselves. There is only so much an electric utility can do to help communications providers prepare for a storm, and it is questionable whether an electric utility should be expected to assist communication providers in their storm preparation given the difficulty an electric utility faces with its own preparations. Communications providers, individually and collectively, should invest in their own preparations and pre-positioning. The primary focus of an electric utility after a disaster is the safe and quick restoration of power. For some electric customers, like nursing homes and hospitals, electric service restoration is a matter of life and death. The provision of safe and reliable electricity is the primary purpose of an electric utility. An electric utility's primary purpose is **not** the provision of aerial infrastructure for communications providers.

Even with respect to matters on which coordination between power companies and communications providers is beneficial, there is a logistical obstacle. In any particular locality, there is only one power company; but there are multiple communications providers. The fact that there are often numerous communications providers in a particular disaster area makes

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[19] *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, *Improving the Resiliency of Mobile Wireless Communications Networks*, PS Docket No. 13-329, Order, FCC 16-173 (rel. Dec. 20, 2016) (citing *Ex Parte* Letter from CTIA to Marlene H. Dortch, Secretary, FCC, PS. Docket Nos. 11-60 and 13-239, at p. 3 (filed April 27, 2016)).

coordination more challenging. **If communications providers would share information with each other and collectively designate a single point of contact for purposes of disaster response, it would greatly facilitate coordination efforts with power companies and others (government, other utilities, etc.)**. Without a single point of contact, power companies are forced to either be selective in their coordination efforts with certain communications providers, or attempt to juggle coordination with multiple providers who often have conflicting interests or motives.

For AEP and Southern, the goal of storm restoration is to restore electric service for the most customers possible in the least amount of time as safely possible. Recovery from a major storm is challenging enough for electric utilities without having to juggle coordination with multiple communications providers—each of whom has their own agenda and often conflicting priorities. A single point of contact for communications providers would put them on par with other utilities—like gas and water—with whom electric utilities have a long history of coordination during storm recovery.

B. Information Sharing between Communications Providers Would Facilitate Streamlined Coordination between Communications Providers and Power Companies.

The Public Notice asks: "How can power companies and communications providers better coordinate efforts to prioritize efficient restoration of communications services?"[20] As set forth above, a single point of contact for communications providers would help. Based on the experience of AEP and Southern, many communications providers seem unwilling to engage in the type information sharing and coordination with each other that could make single point of contact a reality. Major wireless carriers in particular seem reluctant to share information with

[20] Public Notice, p. 3.

each other that would be critical to making informed prioritization decisions. In other words, carriers may have different restoration priorities in the same area, but they collectively need to determine which of those competing restoration priorities should be addressed first.

This is where participation at the EOC level comes into play. AEP and Southern restore electricity after a disaster based on their own electric service restoration priorities, in coordination with the EOC. If communications providers want to help shape those priorities, they should take advantage of the opportunity to participate at the EOC level as set forth in part I.B. above.

The Public Notice also asks: "What specific types of information available from power companies before and during disasters would help communications providers prepare for and continue operations during a commercial power outage" and "[w]hat restrictions exist that might inhibit power companies from sharing this information?"[21] Both AEP and Southern post information and updates to their respective websites that identify **where** there are outages and **when** electric service is expected to be restored in those areas. There are no restrictions on sharing this information; it is publicly-available to communications providers, other electric customers and the general public. This information should enable communications providers to make informed decisions regarding the need for fueling back-up generation and other stop-gap measures until commercial power is restored.

The Public Notice further asks: "would information similar to that reported by communications providers in DIRS be useful to power companies in their restoration efforts?"[22] Neither AEP nor Southern rely on commercial communications providers for disaster recovery purposes. More generally, there is no specific action commercial communications providers can

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21 Public Notice, p. 3.

22 Public Notice, p. 3.

take that is directly useful to power companies in their restoration efforts other than to avoid conflicted work. Even while undertaking challenging storm restoration efforts, AEP and Southern still coordinate and communicate regularly with communications providers. Additional coordination efforts are not likely to be mutually beneficial; additional coordination efforts may, in fact, be detrimental to AEP and Southern. If AEP and Southern devote **additional** resources to coordinating with communications providers, those resources are taken away from electric service restoration with no corresponding benefit to AEP and Southern (economic, operational or otherwise).

III. FIBER CUTS ARE MOSTLY THE RESULT OF INITIAL ROAD-CLEARING ACTIVITIES.

The fact that fiber is still operational immediately after a storm does not mean the fiber has survived the storm. Unlike electric lines, which are designed to be inoperable when lying on the ground in a tangled mess of post-storm debris, fiber sometimes continues to work. But at this point the fiber is **highly** susceptible to damage from local and state road-clearing crews, which must clear the way for re-entry with front-end loaders, bulldozers, snow plows and other heavy equipment. After the initial road-clearing work, typically the next crews into a disaster area are the tree crews who remove damaged vegetation. This process can also result in damage to fiber. The only way to avoid this type of damage—and the corresponding network operability problems it creates—is through redundancy of critical fiber backhaul lines (as set forth above in part I.A.) or through undergrounding critical fiber backhaul lines (as addressed below in part IV.A.).

The Public Notice asks with respect to the recent storms: "What was the cause of downed fiber and cut fiber?"[23] Based on the experience of AEP and Southern, the overwhelming majority

[23] Public Notice, p. 3.

of fiber cuts are caused by the initial road-clearing activities described above. Unless state and local authorities are going to allow communications providers the right of first entry into disaster areas, and allow communications providers the opportunity to untangle their fiber by hand and place it safely out of the roadway before road-clearing activities occur (which would result in interminable delays in electric service restoration), these fiber cuts are the inevitable collateral damage of storms. The Public Notice similarly inquires: "Did pole mounted electrical wires used by power companies suffer in the same manner?"[24] Yes, downed electric lines are routinely cut during initial, post-storm road-clearing activities.

The Public Notice also asks: "What steps did power companies take to ensure that their recovery efforts would not impede the recovery of communications service and would not cut or down fiber?"[25] Except in extreme circumstances, AEP and Southern do not cut fiber during storm restoration activities unless directed to do so by law enforcement. When fiber is laying on the ground or otherwise entangled in debris, it is difficult to determine whose fiber it is, including whether it is an operational fiber owned by the utility itself or serving the utility's internal communications network. In those rare circumstances where fiber must be cut during the restoration process, properly tagged fiber would enhance the opportunity for real time notification and/or coordination. The AEP and Southern electric utility operating companies have tagging requirements in most of their pole attachment agreements, but compliance with these provisions by the communications providers is inconsistent at best.

The Public Notice similarly asks: "What steps did communications providers take to ensure that their recovery efforts would not impede the recovery of power and would not cut or down

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24 Public Notice, p. 3.
25 Public Notice, p. 3.

power lines?"[26] Though AEP and Southern cannot speak for the communications providers on this question, the best practice is for communications providers to perform their restoration work **after** electric infrastructure has been repaired. This does not mean communications providers need to wait until **all** of the electric infrastructure is repaired before undertaking any of their restoration work, but that communications providers should not, for example, reattach fiber to damaged poles that have not yet been repaired.[27]

IV. THE COMMISSION SHOULD CONSIDER WHETHER AND HOW ITS POLE ATTACHMENT POLICY NEGATIVELY IMPACTS WIRELESS RESILIENCY AND IMPEDES COOPERATION BETWEEN POWER COMPANIES AND COMMUNICATIONS PROVIDERS.

A. The Commission's Current Pole Attachment Policies Make Aerial Deployment Too Cheap for Communications Providers to Meaningfully Consider More Resilient Alternatives.

The Public Notice asks: "To what extent and by what processes do communications providers and power companies coordinate in siting transmission lines to avoid or harden deployments, like utility poles, that are prone to suffering wind damage in a disaster?"[28] As a preliminary matter, the infrastructure relationship between communications providers and power companies is primarily a matter of communications attachments on electric distribution poles. The Commission's pole attachment policy, particularly over the past decade, has been targeted to make the aerial deployment of communications networks on electric distribution poles and fast and as

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26 Public Notice, p. 3.

27 *See, e.g., Public Safety and Homeland Security Bureau Seeks Comment on Hurricane Michael Preparation and Response,* PS. Docket No. 18-339, Gulf Power Company's Initial Comments, at p. 5-6 (filed December 17, 2018) (describing how premature re-attachment of fiber to damaged electric utility pole resulted in subsequent damage to fiber); *see also Public Safety and Homeland Security Bureau Request for Comment on Hurricane Michael Preparation and Response,* PS Docket No. 18-339, Comments of Verizon, at p. 6 (filed December 17, 2018) (explaining that fiber crews typically "move into an area after the utility has completed its initial work…to help avoid fiber cuts").

28 Public Notice, p. 3.

cheap as possible.[29] As AEP, Southern and many other electric utilities have repeatedly urged in numerous proceedings, the Commission's goals are fundamentally at odds with system hardening efforts.

First, the availability of fast and cheap pole attachments may discourage the hardening of communications facilities. The Commission's current policy has suppressed the cost of aerial fiber deployment to the point that a fiber company hardly ever opts for underground deployment where aerial deployment is an option. The cost disparity between aerial and underground deployment creates a disincentive for communications providers to strategically harden critical fiber backbone. When fiber is buried in accordance with the Common Ground Alliance Best Practices, it is not only protected from the storm itself, but also more protected from right-of-way disturbance during storm restoration efforts.

Second, through its efforts to dismantle the joint use relationship between incumbent LECs and electric utilities over the past decade, the Commission is not only unwinding the relationship upon which ubiquitous aerial infrastructure was first built but also undermining the primary process through which communications providers and power companies historically coordinated with respect to siting new lines. Under the traditional joint use agreements, communications providers and power companies had a shared interest in the resiliency of the infrastructure. Now, largely due to competitive forces and the market distortion created by the Commission's pole attachment policy, communications providers see infrastructure hardening as an "electric utility

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[29] *See e.g.*, *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84; *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Third Report and Order and Declaratory Ruling, FCC 18-111 (rel. Aug. 3, 2018); *Implementation of Section 224 of the Act*, WC Docket No. 07-245; *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Report and Order and Order on Reconsideration, FCC 11-50 (rel. April 7, 2011).

problem." In fact, one or more communications providers may urge, in this proceeding, that electric utilities should spend more on infrastructure hardening without a corresponding increase in their contribution to network costs.

B. The Commission's Current Pole Attachment Policy Undermines an Electric Utility's Ability to Properly Engineer its Infrastructure to Support Communications Facilities.

In addition to discouraging communications providers from hardening their own networks, the Commission's pole attachments policy interferes with an electric utility's ability to properly engineer the aerial network. The best example of this is the Commission's long-standing policy on overlashing. For more than twenty years, Commission policy has prohibited an electric utility pole owner from requiring a communications provider to obtain permission to overlash.[30] The Commission recently adopted a new rule that does not even allow utilities "to require an overlasher to submit specifications of the materials to be overlashed."[31] Without these specifications, an electric utility's ability to evaluate the impact of a proposed overlashing is impaired, and the risk of overloading (particularly during wind and ice events) is increased.

At a higher level, communications providers regularly complain about an electric utility's pre-attachment engineering requirements. The Commission, in turn, routinely labels pre-attachment engineering requirements as "barriers" or "impediments" to deployment rather than recognizing them as a critical part of sustaining the reliability and resiliency of the network on

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30 *See generally*, *In the Matter of Amendment of Commission's Rules and Policies Governing Pole Attachments* 16 FCC Rcd 12103, 12141, Consolidated Partial Order on Reconsideration (rel. May 25, 2001) ("[N]either the host attaching entity nor the third party overlasher must obtain additional approval from or consent of the utility for overlashing other than the approval obtained for the host attachment.")

31 Third Report and Order and Declaratory Ruling, FCC 18-111 (rel. Aug. 3, 2018); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* (WC Docket No. 17-84), ¶ 119 n. 444.

which deployment depends. In fact, because the Commission lacks jurisdiction over electric infrastructure reliability, the Commission is incapable of actually balancing the interests of communications providers and power companies. Instead, and usually at the urging of communications interests, the Commission engages in incremental rulemaking based on what "seems reasonable" in the vacuum of expertise and jurisdiction. To improve the resiliency of the network, communications providers should not propose short-sighted rules (like the Commission's recently-adopted overlashing rule) and the Commission should not oblige when communications providers make those requests.

C. The Commission's Current Pole Attachment Policies do not Promote Partnership and Cooperation between Communications Providers and Power Companies.

The Public Notice asks numerous questions about how to improve coordination and cooperation between communications providers and power companies. *See e.g.*, Public Notice, ¶¶ B.2., B.6., C.2., D.1.-3., E.2. But the Public Notice misses a much bigger point: the Commission's current policy on infrastructure sharing (i.e. pole attachments) is pushing communications providers and power companies further apart, not closer together. Many of the specific inquiries in the Public Notice presume the possibility of something approaching a partnership between communications providers and power companies. AEP and Southern enthusiastically agree that anything the Commission can do to promote partnership between communications providers and power companies will improve disaster preparedness and response. Unfortunately, the Commission's policy has favored inexpensive, rapid deployment of communications facilities over the safety, reliability and equitable cost sharing of electric infrastructure. This one-sided approach, which interferes with electric distribution construction/maintenance practices and puts constant downward pressure on pole network cost recovery, does not promote the type of

partnership and cooperation between electric utilities and communications providers envisioned by the Public Notice.

CONCLUSION

AEP and Southern appreciate the opportunity to submit these initial comments in response to the Public Notice and look forward to further dialogue with the Commission on these important issues.

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